

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

MARGARET TURNER WHETSTONE,

Plaintiff,

v.

FRED'S INC., et al.

Defendants.

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CIVIL ACTION NUMBER:

3:05-cv-01171-MEF-SRW

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**ANSWER**

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COME NOW the Defendant, Fred's Stores of Tennessee, Inc., and respond to the Plaintiff's Complaint as follows:

**FIRST DEFENSE**

Plaintiff's Complaint fails to state a claim upon which relief can be granted.

**SECOND DEFENSE**

Defendant denies each and every material allegation of the Complaint and demands strict proof thereof.

**THIRD DEFENSE**

Defendant pleads contributory negligence.

**FOURTH DEFENSE**

Defendant pleads assumption of the risk.

**FIFTH DEFENSE**

Defendant contests damages.

**SIXTH DEFENSE**

Defendant pleads intervening, superseding cause.

**SEVENTH DEFENSE**

Defendant pleads improper venue.

**EIGHTH DEFENSE**

Defendant pleads open and obvious.

**NINTH DEFENSE**

The defendant pleads lack of subject matter jurisdiction.

**TENTH DEFENSE**

The defendant pleads lack of personal jurisdiction.

s/ Elizabeth Jackson

Elizabeth Jackson (JAC084)

Attorney for the defendant, Fred's Pharmacy

**OF COUNSEL:**

CARR ALLISON

100 Vestavia Parkway, Suite 200

Birmingham, Alabama 35216

(205)822-2006

Fax: (205) 822-2057

enj@carrallison.com

**CERTIFICATE OF SERVICE**

I hereby certify that on December 19, 2005, I electronically filed the foregoing with the Clerk of Court using the CM/CEF system which I will send notification of such filing to all known counsel of record, including the foregoing.

Stewart G. Springer, Esq.

950 22nd Street North, Suite 638

Birmingham, Alabama 35203

s/ Elizabeth Jackson

OF COUNSEL